

A regular meeting of the North Brunswick Township Council was held on Monday, June 27, 2016 at 7:00 P.M. in the Municipal Complex located at 710 Hermann Road, North Brunswick, Middlesex County, New Jersey.

Mayor Womack called the meeting to order.

Roll call:

Present: Ms. Narra, Ms. Nicola, Messrs., Andrews and Davis  
Absent: Mr. Socio and Mr. Corbin

Also present: Township Attorney, Ronald Gordon, Esq., Business Administrator, Kathryn Monzo, Assistan Business Administrator, Justine Progebin, Chief Financial Officer, Kala Sriranganathan, Department of Public Works, Eric Chaszar, Director of Community Development, Michael Hritz, Director of Parks, Recreation & Community Services, Lou Ann Benson, O.E.M. Coordinator, Mark Cafferty, Municipal Clerk, Lisa Russo and Keyboarding Clerk 3, Janet Maer.

Ms. Russo announced that the notice requirements of the law have been satisfied. Notices were sent by certified mail on January 4, 2016 to the following:

- a) The Home News & Tribune b) Star Ledger c) North Brunswick Sentinel

Notice receipts are on file in the Township Clerk’s office. Also, notices were posted on the bulletin board in the Municipal Complex and filed in the Clerk’s office on January 4, 2016.

Council President Corbin arrives to the dais at 7:05 pm.

Ms. Russo led in the Pledge of Allegiance.

“Scholar / Athlete / Artist – Sara Donnellan”:

Councilman Andrews presented a proclamation to Sara Donnellan. She is a Sophomore at the N.B.T.H.S. where she is on the Honor Roll and takes Honors Language Arts, Honors History and Honors Chemistry and her GPA is 3.4. Sara is a member of P.U.S.H., D.E.C.A. and the Junior Police Academy. She is involved with North Brunswick Soccer, a member of the New Jersey Repertoire Theatre and is part of Voices of Hope (Day by Day Foundation) a choir that raises money to help cancer patients and their families.

Mayor Womack asked council members if any items are to be removed from the Consent Agenda. Motion made by Mr. Davis to approve items “6a – 6n” on the agenda, second by Mr. Corbin.

Roll call:

Present: Ms. Narra, Ms. Nicola, Messrs., Andrews, Davis and Corbin  
Absent: Mr. Socio

Consent Agenda:

- a. Authorizing the transfer of unexpended Fiscal Year 2016 appropriations to a dedicated Accumulated Leave Absence Trust Fund\_\_\_\_\_188-6.16
- b. Approving Preliminary Municipal Tax Levy for the Fiscal Year 2017\_\_\_\_\_189-6.16
- c. Authorizing Award of Contract to Capturepoint for Recreation Tracking System Software for the Department of Parks, Recreation and Community Services\_\_\_\_\_190-6.16
- d. Authorizing Road Closures for the 2016 Purple for Pappas 5K\_\_\_\_\_191-6.16
- e. Authorizing the Award of Contract BID16009 to Winner Ford for two Sport Utility Vehicles\_\_\_\_192-6.16
- f. Authorizing execution of a Right of Entry Agreement between the Township of North Brunswick and the County of Middlesex for the project known as “Modifications/Upgrade to Cozzens Lane and Hartland Commons\_\_\_\_\_193-6.16
- g. Authorizing a Settlement Agreement by and among the Township of North Brunswick, Fair Share Housing Center K-Land No. 54, LLC and North Brunswick TOD Associates, LLC to resolve the Affordable Housing issues raised in the Township’s Declaratory Judgment Action\_\_\_\_\_194-6.16
- h. Authorizing a waiver under Ordinance 11-09 with regards to Health Benefits Coverage pursuant to the Management Agreement by and between the Township of North Brunswick and Kathryn Monzo\_\_\_\_\_195-6.16
- i. Authorizing the transfer of 2016 Taxi Owner’s Licenses from James A. Vivelò d/b/a Taxi Limo Four LLC to Valentin Bautista d/b/a Primos Taxi\_\_\_\_\_196-6.16
- j. Authorizing the renewal of Liquor Licenses for 2016-2017 in the Township of North Brunswick\_197-6.16
- k. Payment of bills\_\_\_\_\_198-6.16
- l. Change in Custodian of Petty Cash Fund\_\_\_\_\_199-6.16
- m. Amending BID14011 with Provident Bank for Primary Banking Services under the Dept. of Finance\_\_\_\_\_200-6.16
- n. Authorizing an amendment to a Township resident for their Water-Sewer Utility Account\_\_\_\_\_201-6.16

Mayor Womack called for a motion to approve item #7 on the Agenda. Approval of minutes: Regular Council Meeting / June 6, 2016. So moved by Ms. Nicola, second by Ms. Narra.

Roll call:

Present: Ms. Narra, Ms. Nicola, Messrs., Andrews, Davis and Corbin  
Absent: Mr. Socio

Break for Proclamation Recipient: 7:25 pm

Resume: 7:37 pm

**Public Hearing:** Authorizing the Public and Private Improvements Performance Bond Releases for  
K. Hovnanian Companies

Mayor Womack opened the **Public Hearing**.

Mr. Gordon explains the Performance guarantee. Township engineer provided estimate. We go beyond land use and wait for the engineer to report that everything is completed. We require a notice and public hearing. This no an opportunity to complain about individual disputes only about improvements in public areas of the community.

Mr. Wagh - current HOA President – list of things - roads, landscaping – trees dead or missing from plans. Residents that live behind the ponds – trees missing. Daniel Barros – attorney – submitted transition report to the township this week with engineering defects.

Mayor Womack – letter from Mr. Barros – transition report from 12/2015. Items that are in transition – builder drops out after 75% of work is done – homeowners take over. Road and sidewalks are cracked. Landscaping – trees dead from the time they moved in 3 – 3 ½ years ago.

Mr. Kriskowski – discussion of trees – inspection of development. Report – HOA engineer – July 2014. Re-inspected twice – second punch list items (items that are unsatisfactory). Landscaping is satisfactory. Trees that were to be planted have been planted.

Mr. Wagh – Trees were replaced – did not cover everything – ground cold / hardening – 46 units & 56 units – Governor’s Pointe – 8 to 9 trees on ponds side are dead.

Mr. Hritz – CME Associates – inspection would have told if there were any additional trees. Pre-construction – existing trees from 10/15/25 years ago that needed maintenance – not bondable items. Trees were already there.

Mr. Wagh – he was not there at construction. Mulch bed has trees in them – 2 out of 3 trees dead. Builder put them in – builder responsibility. Shrubs – no leaves or flowers.

Mr. Patel – owner of sub shop on Livingston Avenue – has lived in his unit for four years. His windows face the trees – e-mailed K. Hovnanian and spoke to sales representative – trees decayed and fell over. Good job with trees in the front.

Ms. Advani – concerns with seeding – not done professionally or correctly – burnt grass – never took after planted.

Trees missing – sales people promised to be pristine. Other common area issues – asphalt cracked across from parking lot. Cracks developed after tar was laid down. Cracks could spread and lead to issues in the future - could be structural towards house. Sidewalk near unit – flooded each time it rains – was told to wait 24 hours – freezes over need signs up to warn not to walk on sidewalk. Residents have put up unsightly pipes

Mr. Rajesh – two sides – one side nice, second side – intolerable.

Mr. Andrews – punch lists – against what needs to be done – transition phase document – two list of items – our list for bond release and one list for transition - HOA & builder. Do not want to hold up bond release.

Mr. Hritz – engineer and staff work on your behalf – inspected over 3 years – 9 page report. K Hovnanian addressing list. Received report Friday – no notification from HOA – dated 12/2015 – list may not match. K. Hovnanian completed list of items.

Ms. Narra – promises made by sales office/ agent not fulfilled. Issue is what is contained in site plan? Extra claims cannot be addressed – decision only on site plans made.

Mr. Horowitz – lives across the berm – lived in Governor’s Pointe II since 2009 – were the trees identified before construction?

Ms. Mishra – lives beside pond – cleaned – 100 shrubs planted – 17 dead – questioned what are you inspecting? – walk and trip over trees – does not look good – brings groundhogs – children play there.

Mr. Andrews – transition report – normal wear and tear for plants and things. He himself has bought plants should be get a refund or another plant if one dies? When does that time occur? Date is certain? At what point is it replaced through maintenance association or warranty?

Ms. Nicola – thanked all the residents for coming to the meeting – she lived there – it is beautiful there. HOA concerns – sub-out landscaping – not sure if it relates to Performance Bond.

Mr. Erhler – rebuttal – they disagree. We did everything under the law. We have done multiple punch lists. When transition occurs April 22, 2013 – transfer of control. There is transition process – last inspection 2014 – objective – we have completed. CME – recommendation for release.

Ms. Narra – April 22, 2013 – election – homeowners take over control of budget and maintenance – transition process wasn’t completed? Same document saw first time on Friday. K. Hovnanian did not see this report – dated December 2015 – inspection July 2014 – not relative to bond.

Mr. Wagh – transition report – 3-3 ½ years ago was produced to K. Hovnanian as soon as it was done. Township punch list – never saw this – is it a public record? Transition – residents see what is outside do not know legal terms. He presented to the Mayor & Council a couple of pictures of new tree & shrubs outside of homes.

Mr. Davis – asked Mr. Wagh how long he has been the HOA president? Small amount of people at the meeting – turnover from K. Hovnanian to the Board.

**Public Hearing** con't.....

Mr. Andrews – resolution – one last time – John go out – table until end of next month.

Mr. Wagh – asked if a board member would be able to walk with then – talk to K. Hovanian – bring to a close. Show where the issues are. He has received over 500 emails from residents concerning landscaping issues – hazardous to home – fire hazards.

Ms. Narra – sympathetic to their concerns – HOA – professionals too – law firm – should have looked at original site plan. Resolution from our perspective – lateness of letters – talk to your attorney.

Mr. Erhler – disagrees with that – done everything – did all obligations – not willing to do another walk through – need bonds released – vote this evening.

Councilman calls for a motion to table Resolution #202 – 6.16 “Authorizing the Public and Private Improvements Performance Bond Releases for K. Hovnanian Companies”, no second.

Mr. Gordon – not tabled – to move forward.

Mayor Womack called for a motion to close the Public Hearing, so moved by Ms. Narra, second by Ms. Nicola.

Roll Call: Ayes: Ms. Narra, Ms. Nicola, Messrs. Andrews, Davis and Corbin

Nays: none

Absent: Mr. Socio

Mayor Womack called for a motion to approve Resolution #202-6.16 “Authorizing the Public and Private Improvements Performance Bond Releases for K. Hovnanian Companies”, so moved by Ms. Nicola, second by Mr. Corbin.

Roll Call: Ayes: Ms. Narra, Ms. Nicola, Messrs. Davis and Corbin

Nays: Mr. Andrews

Absent: Mr. Socio

**Ordinance / First Reading / Introduction:**

**#16-12** – An Ordinance amending and supplementing Chapter 205, “Land Use” of the Code of the Township of North Brunswick, to address the requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) in support of the Township’s Affordable Housing Obligations

Mayor Womack called for a motion to introduce Ordinance No. 16-12. So moved by Mr. Davis, second by Mr. Corbin, second reading and public hearing to be held at a regular meeting on August 1, 2016 at 7:00 P.M. in the Municipal Complex, 710 Hermann Road, North Brunswick, Middlesex County, New Jersey following legal publication in the June 30, 2016 issue of the Home News and Tribune as according to law. This Ordinance is posted in the Municipal Complex and copies are available upon request.

Roll Call: Ayes: Ms. Nicola, Messrs. Andrews, Davis and Corbin

Nays: none

Absent: Ms. Narra and Mr. Socio

**#16-13** – An Ordinance amending Chapter 195, Affordable Housing Ordinance of the Township of North Brunswick, to address the requirements of the Fair Share Housing Act and the Uniform Housing Affordability Controls (UHAC) regarding compliance with the Township’s Affordable Housing obligations incorporated in the Housing Element and Fair Share Plan adopted by the Planning Board on June 23, 2016

Mayor Womack called for a motion to introduce Ordinance No. 16-13. So moved by Mr. Corbin, second by Mr. Davis, second reading and public hearing to be held at a regular meeting on August 1, 2016 at 7:00 P.M. in the Municipal Complex, 710 Hermann Road, North Brunswick, Middlesex County, New Jersey following legal publication in the June 30, 2016 issue of the Home News and Tribune as according to law. This Ordinance is posted in the Municipal Complex and copies are available upon request.

Roll Call: Ayes: Ms. Nicola, Messrs. Andrews, Davis and Corbin

Nays: none

Absent: Ms. Narra and Mr. Socio

**#16-14** – An Ordinance amending Ordinance No. 16-04 authorizing the acquisition of an additional of an additional Sanitary Sewer Easement, by the Township of North Brunswick, Middlesex County, New Jersey, to include such lands known as Block 242, Lot 9 on the Official Tax Map of the City of New Brunswick for the Mike Run Interceptor Project

Mayor Womack called for a motion to introduce *Ordinance No. 16-14*. So moved by Ms. Nicola, second by Mr. Davis, second reading and public hearing to be held at a regular meeting on August 1, 2016 at 7:00 P.M. in the Municipal Complex, 710 Hermann Road, North Brunswick, Middlesex County, New Jersey following legal publication in the June 30, 2016 issue of the Home News and Tribune as according to law. This Ordinance is posted in the Municipal Complex and copies are available upon request.

Roll Call: Ayes: Ms. Narra, Ms. Nicola, Messrs. Andrews, Davis and Corbin  
Nays: none  
Absent: Mr. Socio

**Ordinance / Second Reading / Public Hearing: (cont.)**

**#16-10** – An Ordinance amending and supplementing Chapter 227 “Parking for the Handicapped” of the Code of the Township of North Brunswick

Mayor Womack opened the public hearing on Ordinance #16-10. No comments from the public.  
Motion made by Mr. Davis, second by Mr. Andrews that the public hearing be closed.

Mayor Womack called for a motion to adopt *Ordinance # 16-10*. So moved by Ms. Nicola, second by Mr. Corbin, Ordinance No. 16-10 approved on second and final reading and referred to the Mayor for his action and then published in the June 30, 2016 issue of the Home News and Tribune.

Roll Call: Ayes: Ms. Narra, Ms. Nicola, Messrs. Andrews, Davis and Corbin  
Nays: none  
Absent: Mr. Socio

**#06-11** – An Ordinance of the Township Council of North Brunswick amending and fixing the salary and wages for various officials and employees of the Township of North Brunswick and providing for the manner of payment thereof

Mayor Womack opened the public hearing on Ordinance #16-11. No comments from the public.  
Motion made by Mr. Davis, second by Mr. Andrews that the public hearing be closed.

Mayor Womack called for a motion to adopt *Ordinance # 16-11*. So moved by Ms. Narra, second by Mr. Davis, Ordinance No. 16-10 approved on second and final reading and referred to the Mayor for his action and then published in the June 30, 2016 issue of the Home News and Tribune.

Roll Call: Ayes: Ms. Narra, Ms. Nicola, Messrs. Andrews, Davis and Corbin  
Nays: none  
Absent: Mr. Socio

**Reports from Mayor, Council, Administrator, CFO:**

Ms. Narra – “Pot Luck” – Community Gardens tomorrow night – call incase of rain.

Ms. Nicola – attend with the Mayor 2016 N.B.T.H.S. Graduation. Congratulations to the graduates, their families and teaching staff. ‘Happy Birthday to America’ and wished everyone a “Happy Fourth of July”.

Mr. Davis – pavers at Veteran’s Park continue to purchase – contact DPRCS - \$75.00 per paver.

Mayor Womack opened the Public Hearing at 8:37 pm. No comments from the public.

Mayor Womack called for a motion to close the Public Hearing. So moved by Mr. Davis, second by Ms. Narra.

Roll Call: Ayes: Ms. Narra, Ms. Nicola, Messrs. Andrews, Davis and Corbin  
Nays: none  
Absent: Mr. Socio

Mayor Womack called for a motion to adjourn the meeting. So moved by Mr. Davis, second by Ms. Narra.

Roll Call: Ayes: Ms. Narra, Ms. Nicola, Messrs. Andrews, Davis and Corbin  
Nays: none  
Absent: Mr. Socio

Adjourn: 8:37 PM

Municipal Clerk  
Lisa Russo













































































